

HOUSE BILL 1669

By Matheny

AN ACT to amend Tennessee Code Annotated, Title 44,
Chapter 15 and Title 53, relative to honey
products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 53, is amended by adding the following
as a new, appropriately designated chapter:

53-__-101.

(a) For purposes of this chapter, “honey” means the natural food product
resulting from the harvest of nectar by honeybees and the natural activities of the
honeybees in processing nectar.

(b) This chapter shall apply to all honey produced by honeybees, as
defined in § 44-15-102, from nectar and covers all styles of honey presentation
that are processed and ultimately intended for direct consumption and to all
honey packaged, processed or intended for sale in bulk containers as honey, that
may be repackaged for retail sale or for sale or use as an ingredient in other
foods.

(c) Honey consists of different sugars, predominantly fructose and
glucose as well as other substances such as organic acids, enzymes and solid
particles derived from honey collection. The color of honey can vary from nearly
colorless or dark brown. The consistency can be fluid, viscous or partially to
completely crystallized. The flavor and aroma vary, but are derived from the
plant’s origin.

(d) Any honey sold or offered for sale or resale shall not have added to it any food additives, as defined in § 53-1-102, nor shall any other additions be made other than honey. The honey shall not have begun to ferment or effervesce and no pollen or constituent unique to honey may be removed except where unavoidable in the removal of foreign matter. Chemical or biochemical treatments shall not be used to influence honey crystallization.

(1) Water shall not be added to honey in the course of extraction or packing for sale or resale as honey. Honey shall not have a moisture content in excess of twenty-three percent (23%).

(2) The ratio of fructose to glucose shall be greater than 9 grams/100 grams. The sum of fructose and glucose shall not be less than 60 grams/100 grams.

(3)

(A) Honey produced from the following plant or flower sources shall not be more than 10 grams/100 grams:

- (i) Alfalfa (*medicago sativa*), citrus spp;
- (ii) False Acacia (*Robinia pseudoacacia*);
- (iii) French Honeysuckle (*Hedysarum*);
- (iv) Menzies Banksia (*Banksia menziesii*);
- (v) Red Gum (*Eucalyptus camaldulensis*);
- (vi) Leatherwood (*Eucryphia lucida*); and
- (vii) *Eucryphia milligani*.

(B) Honey with the following plant or flower sources shall not be more than 15 grams/100 grams:

- (i) Lavender (*Lavandula* spp); and

(ii) Borage (*Borago officinalis*).

(C) Any other honey not listed in subdivisions (3)(A) and (3)(B) above shall not be more than 5 grams/100 grams.

(e)

(1) Products complying with the standard of identity set forth in this subsection (e) shall be designated "honey". Foods containing honey and any flavoring, spice or other added ingredient or if honey is processed in a way that a modification to honey occurs that materially changes the flavor, color viscosity or other material characteristics of pure honey, then the foods shall be distinguished in the food name from honey by declaration of the food additive or modification.

(2) Honey may be designated according to floral or plant source if it comes predominately from that particular source and has the organoleptic, physicochemical and microscopic properties corresponding with that origin.

(3) When honey has been designated according to floral or plant source as stated in subdivision (d)(3), then the common name or the botanical name of the floral source shall be used in conjunction with or joined with the word "honey".

(4) The styles of honey identified in subdivisions (4)(B) and (4)(C) shall be declared on packaging labeling as "honey", "comb honey", "cut comb in honey", "honey with comb" or "chunk honey" as appropriate. Honey may be designated according to the following styles:

(A) "Honey" which is honey in liquid or crystalline state or a mixture of the two (2);

(B) “Comb honey” which is honey stored by bees in the cells of freshly built broodless combs and which is sold in sealed whole combs or sections of the combs; and

(C) “Cut comb in honey”, “honey with comb” or “chuck honey” which is honey containing one (1) or more pieces of comb honey.

(f) The following shall be prima facie evidence of adulteration under § 53-1-104 or misbranding under § 53-1-105 of any product sold or offered for sale as honey:

(1) The product has a maltose content in excess of ten percent (10%);

(2) The product contains oligosaccharides indicative of invert syrup;

(3) The absolute value of Carbon Stable Isotope Ratio Analysis (CSIRA) is not more negative than negative twenty (-20) for the product;

(4) CSIRA Internal Standard Procedure with a protein value minus honey value is more negative than negative one (-1) for the product; or

(5) The product fails to conform to the standard of identity stated in subsection (e).

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.